



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes OPR, MNR, MNSD, MNDC, FF

Introduction

This hearing dealt with an application by the landlord for an order of possession for unpaid rent, a monetary order for unpaid rent, to keep all or part of the security deposit, money owed or compensation for damage or loss and recovery of the filing fee.

The landlord participated in the conference call hearing but the tenants did not. The landlord presented evidence that the tenants were served with the application for dispute resolution and notice of hearing in person. I found that the tenants had been properly served with notice of the landlord's claim and the date and time of the hearing and the hearing proceeded in their absence.

Issue(s) to be Decided

Is the landlord entitled to any of the above under the Act.

Background and Evidence

On July 6, 2011 the landlord served the tenants with a 10 Day Notice to End Tenancy for Unpaid Rent. The tenants have not filed to dispute this notice.

The landlord testified that the rent for July and August 2011 remains unpaid and that the tenants currently owe the landlord \$1300.00 in unpaid rent. The landlord is also seeking \$100.00 for unpaid utilities for the months of July and August 2011.

As the tenants remain in the rental unit and have made no effort to pay the rent owed to the landlord, the landlord is requesting an order of possession effective 2 days after service upon the tenants.

The landlord is also seeking compensation in the amount of \$1400.00 for unpaid rent and utilities.

Analysis

Based on the documentary evidence and undisputed testimony of the landlord, I find that the tenants were properly served with a notice to end tenancy for non-payment of rent. The tenants did not pay the outstanding rent within 5 days of receiving the notice and did not apply for dispute resolution to dispute the notice and are therefore conclusively presumed to have accepted that the tenancy ended on the effective date of the notice. Based on the above facts I find that the landlord is entitled to an order of possession and a monetary order for unpaid rent.

As the 10 day notice to end tenancy was issued to the tenants on July 6, 2011 the landlord is also entitled to \$50.00 for unpaid utilities for July 2011.

The August 2011 utilities however are not recoverable at this time as section 46 (6)(b) of the Act speaks to: If

(b) the utility charges are unpaid more than 30 days after the tenant is given a written demand for payment of them, the landlord may treat the unpaid utility charges as unpaid rent and may give notice under this section.

Accordingly I find that the landlord is entitled to a monetary order for \$1350.00 for unpaid rent and utilities.

Conclusion

I hereby grant the landlord an **Order of Possession**, effective **2 days** after service of the Order upon the tenants. This Order must be served on the tenants and may be filed in the Supreme Court of British Columbia and enforced as an Order of that Court.

I find that the landlord has established a monetary claim for \$1350.00 in unpaid rent and utilities. I grant the landlord a monetary order under section 67 for the amount of **\$1350.00**

If the amount is not paid by the tenants, the Order may be filed in the Provincial (Small Claims) Court of British Columbia and enforced as an order of that court.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: August 18, 2011.

Residential Tenancy Branch